

21 C.J.S. Courts § 309

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

C. Courts of Different States or Countries

§ 309. Enjoining proceedings in foreign court

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West's Key Number Digest

West's Key Number Digest, [Courts](#) 516

A court of one state or country cannot restrain the prosecution of an action in a court of another state or country by any order or decree directed to the court or its officers.

Courts have no authority to control the actions of foreign courts,¹ and it is well settled that one state court cannot compel a court in another state to dismiss a case or refuse to hear one.² Accordingly, a court of one state or country cannot restrain the prosecution of an action in a court of another state or country by any order or decree directed to the court or its officers.³

On the other hand, a court which has acquired jurisdiction of the parties may, on proper cause shown, enjoin such parties from proceeding with an action in a court of another state or country.⁴ "Special equities" that may lead a court to disregard the traditional deference paid to the first-filed action in another state and to exercise jurisdiction are reasons of a compelling nature that favor the retention of jurisdiction by the court in the later-filed action.⁵ This is particularly where the parties

are citizens or residents of the state of the enjoining court or with respect to a controversy between the same parties of which the enjoining court obtained jurisdiction prior to the foreign court.⁶

Principles of comity require that courts exercise this power to enjoin sparingly,⁷ especially where the suit has already been filed in the foreign court.⁸ The party requesting the injunction must demonstrate a clear equity⁹ or very special circumstances¹⁰ requiring interposition of the court to prevent manifest wrong and injustice. More specifically, an antisuit injunction addressed to a court in a sister state is proper only to address a threat to the court's jurisdiction, to prevent the evasion of an important public policy, to prevent a multiplicity of suits, or to protect a party from vexatious or harassing litigation.¹¹

The mere fact that the plaintiff chose a certain state as the forum and the defendant subsequently filed a mirror image suit in a sister state does not, by itself, support issuance of an antisuit injunction, and both suits may continue unabated.¹² The possibility that one action may lead to a judgment first and then be applied as *res judicata* in the other action is a natural consequence of parallel proceedings and not alone a reason for an injunction prohibiting a party from bringing a suit concurrently in another state.¹³

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Footnotes

- 1 Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).
- 2 N.M.—*Sam v. Sam*, 2006-NMSC-022, 139 N.M. 474, 134 P.3d 761 (2006).
- 3 La.—*Natalbany Lumber Co. v. McGraw*, 188 La. 863, 178 So. 377 (1938).

Mo.—*State ex rel. New York, C. & St. L. R. Co. v. Norton*, 331 Mo. 764, 55 S.W.2d 272, 85 A.L.R. 1345 (1932).
- 4 U.S.—*Sanofi-Aventis Deutschland GmbH v. Genentech, Inc.*, 716 F.3d 586 (Fed. Cir. 2013).

Cal.—*Advanced Bionics Corp. v. Medtronic, Inc.*, 29 Cal. 4th 697, 128 Cal. Rptr. 2d 172, 59 P.3d 231 (2002), as modified, (Mar. 5, 2003).

R.I.—*Brown v. Brown*, 120 R.I. 340, 387 A.2d 1051 (1978).

Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).
- 5 N.J.—*Sensient Colors Inc. v. Allstate Ins. Co.*, 193 N.J. 373, 939 A.2d 767 (2008).
- 6 N.C.—*Szymczyk v. Signs Now Corp.*, 168 N.C. App. 182, 606 S.E.2d 728 (2005).
- 7 N.C.—*Szymczyk v. Signs Now Corp.*, 168 N.C. App. 182, 606 S.E.2d 728 (2005).

- 8 Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).
- Ark.—*Three Sisters Petroleum, Inc. v. Langley*, 348 Ark. 167, 72 S.W.3d 95 (2002).
- 9 N.C.—*Szymczyk v. Signs Now Corp.*, 168 N.C. App. 182, 606 S.E.2d 728 (2005).
- 10 Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).
- 11 Ind.—*Cloverleaf Enterprises, Inc. v. Centaur Rosecroft, LLC*, 815 N.E.2d 513 (Ind. Ct. App. 2004).
- Tex.—*AutoNation, Inc. v. Hatfield*, 186 S.W.3d 576, 20 A.L.R.6th 801 (Tex. App. Houston 14th Dist. 2005).
- 12 Tex.—*AVCO Corp. v. Interstate Southwest, Ltd.*, 145 S.W.3d 257 (Tex. App. Houston 14th Dist. 2004).
- 13 Cal.—*Advanced Bionics Corp. v. Medtronic, Inc.*, 29 Cal. 4th 697, 128 Cal. Rptr. 2d 172, 59 P.3d 231 (2002), as modified, (Mar. 5, 2003).

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